

REMARKS/ARGUMENTS

This is in response to the final official action dated June 16, 2008. Reconsideration is respectfully requested.

Claim rejections under 35 USC § 102

The Examiner rejected Claims 1-3 as being anticipated by Dimacopoulos (US Patent No. 4,173,604). Applicants submit that the Dimacopoulos also does not anticipate the claims as they are presently standing. As previously provided, Dimacopoulos teaches a fan arranged horizontally within the housing, that is, the fan extends across the inside of the housing and blows directly onto the surface of the vapor generator. Thus, the fan is arranged parallel to the surface of the vapor generator. Thus, the Examiner erred in his reading of Dimacopoulos. The reference does not have an electrically driven fan arranged perpendicular in the housing, as Applicant claims and as is shown in Figs. 2 and 3. Here, it is clearly show that the fan (the fan blades) is arranged perpendicular to the evaporating surface of the fragrance reservoir. Claim 1 stated, *inter alias*: "(a) an electrically-driven fan (8), arranged perpendicular in a housing (1) such that that the fan blows a current of air horizontally through an exit port (2) provided in the housing, into the atmosphere;" The arrangement provided by Dimacopoulos shows air outlet ports 16 on the bottom of the housing. Thus, the airflow from the arrangement provided by Dimacopoulos is not as claimed, that is, the fan does not blow a current of air horizontally through an exit port (2) provided in the housing, into the atmosphere. Instead, Dimacopoulos provides an air flow from a fan, which is arranged parallel, directly onto the vapor generator device (18) and is driven vertically downwardly through the interior of the housing (12) and over the top of the vapor generator so that the vapor dispensed from the generator (18) will be picked up by the vertically downwardly moving air, and out of the housing (12) through the air outlet port (16) located on the bottom of the housing. Thus, Dimacopoulos disclosure is based on an entirely different aerodynamic system as claimed in the present invention.

For these reasons, applicants submit that the anticipatory refection over the cited reference should be withdrawn.

Claim rejections under 35 USC § 103

The Examiner rejected claims 4 and 6 as being unpatenable over Dimacopoulos as applied to claim 1, and further in view of Purzycki (U.S. Patent No. 4,913,350.) The Examiner admits that Dimacopoulos does not show "at least one flat vane raised on the planar surface essentially perpendicular to the surface" of the horizontal evaporation surface. Instead, he points to Purzycki for providing the missing disclosure. However, applicant submits that Dimacopoulos completely teaches away from a combination with Purzycki. Dimacopoulos discloses a can for the supply storage of the vapor generating material. Immediately beneath and parallel to the can lid 30 is an inner closure member 38 which serves as a dispensing diaphragm, the inner closure member 38 is exposed to the atmosphere upon removal of the removable lid portion 34 over the entire area circumscribed by the peripheral score 32. The inner closure member 38 is a capillary action membrane adapted to receive vapor generating liquid from another capillary action membrane in contact with a localized region and transport the vapor generating liquid by capillary action over its entire disc so as dispense vapors to the atmosphere from its entire exposed upper surface defined within peripheral score 32. The membrane may be blotter paper or non-woven fabric. A tiny hole 40 (0.020 inch to 0.050 in diameter to avoid spillage) is provided through the center of inner closure member 38 which serves as a pressure relief port to prevent buildup of vapor pressure in the head space between the inner closure member 38 and the vapor generating liquid in receptacle 28 under elevated temperature conditions. Such arrangement teaches away from combining the Purzucki reference with the Dimacopoulos reference. In order to fully utilize the capillarity capacity, Purzycki'd capillary members are freely held by the top housing portion. The capillary members do not reach the bottom of the housing. Combining such capillary member with Dimacopoulos would not be feasible, because the capillary members would not be stable in an opening through the thin blotter paper or non-woven fabric of Dimacopoulos. In addition, the length of the external portion of the capillary members would most likely interfere with the fan blades of Dimacopoulos. In addition, a person of skill in the art would not enlarge the flat evaporation membrane of Dimacopoulos which is optimal with the parallel fan arrangement and provide vertical surfaces protruding from the membrane to enhance the evaporation. But even if the combination of references would be possible somehow, it would not provide applicant's invention, because claim 4 calls for at least

one flat vane raised on the planar surface which is essentially perpendicular to the surface and which extends across the surface in the direction of the air flow. Again, even if the combination was possible, the capillary member of Purzycki are not "flat" (they are long), nor are they "raised on the planar surface" (Purzycki shows the long capillary members protruding through the surface of the housing or when combined through the thin membrane) and further, they are not "perpendicular to the surface which extends across the surface in the direction of the air flow".

In addition, concerning claim 6, the references do not make obvious a structure in which "in which at least one vane is adapted to be rotated from a position parallel to the gas flow to a flow-blocking position transverse to the flow."

Thus, Applicant submits that a person skilled in the art would not combine the references and would not obtain applicant's claimed invention.

For these reasons, applicants submit that the references do not render the claims obvious and the rejection should be withdrawn.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefore. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

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ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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